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June 24, 2003

RECEIVED

JUN 24 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
455 12th Street, S.W.  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation  
CS Docket No. 00-30

Dear Ms. Dortch:

On June 23, 2003, Steven Teplitz of AOL Time Warner Inc., Andrew Long of Wiley, Rein and Fielding and the undersigned spoke with Stacy Robinson and Anna-Elisa Mackowiak of Commissioner Kathleen Q. Abernathy's office to discuss the above-referenced proceeding. We set forth the arguments reflected in our comments and reply comments in this proceeding. In response to questions, we explained why the evidence over the last two years indicates that AOL is not "dominant" in instant messaging ("IM") and why IM is not likely to "tip" to AOL.

Pursuant to sections 1.1206(b) of the Commission's rules, an original and one copy of this letter is being filed with the Office of the Secretary. Copies are also being served on the Commission participants in the meeting. Any questions concerning this submission should be addressed to the undersigned.

Sincerely,

  
Fernando R. Laguarda

cc: Stacy Robinson, Mass Media Legal Advisor  
Anna-Elisa Mackowiak, Intern

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